

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF MECKLENBURG

FILE NO.: 18CV59089

MECKLENBURG CO. C.S. C.

TERRIE AMMONS RALLINGS,)

EXECUTRIX OF THOMAS)

BILLY RALLINGS, JR. ESTATE)

Plaintiff)

vs.)

COMPLAINT

COMMONWEALTH ANNUITY)

& LIFE INS. CO. f/k/a)

ALLMERICA FIN. LIFE INS. &)

ANNUITY CO.)

Defendants)

Plaintiff, complaining of the Defendants, alleges and says:

1. Plaintiff is a citizen and resident of Mecklenburg County, North Carolina.
2. Plaintiff is the Executrix of Thomas Billy Rallings, Jr. estate.
3. Defendant is Commonwealth Annuity & Life Insurance Company formerly known as Allmerica Financial Life Insurance & Annuity Company.
4. Thomas Billy Rallings, Jr. entered into a contract with Allmerica Financial Life Insurance and Annuity Company issued December 30, 1993.
5. The contract Policy Number is V024111475.
6. The policy was in effect until wrongfully repudiated on May 13, 2015.
7. Thomas Billy Rallings, Jr. was notified via voicemail on April 21, 2015 by Cole from Allmerica Financial Life Insurance & Annuity Company, where he stated that Thomas Billy Rallings' Jr., request to reverse the lapse had been approved. Cole indicated

the policy required a minimum payment in the sum of \$79.43 to provide a positive account value.

8. Thomas Billy Rallings, Jr. subsequently mailed a check to Allmerica Financial Life Insurance & Annuity Company in the sum of \$500.00 on April 28, 2015.

9. The \$500.00 check was cashed by Allmerica Financial Life Insurance & Annuity Company May 5, 2015.

10. Allmerica Financial Life Insurance & Annuity Company subsequently terminated Policy V024111475 on May 13, 2015.

11. The policy was terminated without proper notice pursuant to N.C.G.S. 58-58
120.

WHEREFORE, Plaintiff prays the Court as follows:

1. The sum of \$100,000 for breach of contract and the value of its performance.
2. For \$75,000 general damages for defendant's fraud.
3. For punitive damages according to proof.
4. For reasonable attorney's fees and costs incurred herein.
5. For such other and further relief as the court may deem just and proper.

This is the 13th day of May, 2018.

TERRIE AMMONS RALLINGS

pro se

By: Terrie Ammons Rallings

Terrie Ammons Rallings,
Executrix of Thomas Billy
Rallings, Jr. Estate
3633 Nancy Creek Road
Charlotte, NC 28270